

Senate File 51 - Introduced

SENATE FILE 51

BY McCOY

A BILL FOR

1 An Act relating to certain animals confined in motor vehicles,
2 including by creating a criminal offense, providing for
3 the taking and disposition of such animals, and providing
4 penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 717B.1, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. "Motor vehicle" means the same as
4 defined in section 321M.1.

5 Sec. 2. Section 717B.3, Code 2015, is amended to read as
6 follows:

7 **717B.3 Animal neglect.**

8 1. A person who impounds or confines, in any place, an
9 animal is guilty of animal neglect if the person does any of
10 the following:

11 a. Fails to supply the animal during confinement with a
12 sufficient quantity of food or water.

13 b. Fails to provide a confined dog or cat with adequate
14 shelter.

15 c. Tortures, deprives of necessary sustenance, mutilates,
16 beats, or kills an animal by any means which causes unjustified
17 pain, distress, or suffering.

18 2. a. A person who confines an animal in a stationary
19 motor vehicle is guilty of animal neglect if the animal's
20 uninterrupted confinement under the circumstances, including
21 but not limited to exterior temperature and humidity levels,
22 would likely result in the animal's imminent injury or death.

23 b. A person does not commit animal neglect under this
24 subsection if any of the following circumstances exist:

25 (1) The motor vehicle is occupied by a person who may obtain
26 any form of driver's license under chapter 321.

27 (2) The motor vehicle is not occupied by a person described
28 in subparagraph (1) due to an emergency.

29 ~~2.~~ 3. This section does not apply to a research facility,
30 as defined in section 162.2, provided that the research
31 facility performs functions within the scope of accepted
32 practices and disciplines associated with the research
33 facility.

34 ~~3.~~ 4. A person who negligently or intentionally commits the
35 offense of animal neglect is guilty of a simple misdemeanor. A

1 person who intentionally commits the offense of animal neglect
2 ~~which~~ that results in serious injury to or the death of an
3 animal is guilty of a serious misdemeanor.

4 Sec. 3. Section 717B.5, Code 2015, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 1A. Notwithstanding subsection 1, a law
7 enforcement officer may provide for the emergency rescue of
8 an animal confined in a motor vehicle if the law enforcement
9 officer does all of the following:

10 a. Makes a determination that the animal requires immediate
11 attention.

12 b. Has probable cause to make an arrest for the commission
13 of animal neglect under section 717B.3.

14 c. Takes only such action as is necessary to perform the
15 rescue. The law enforcement officer may use reasonable force
16 in order to enter a locked motor vehicle.

17 d. Provides notice of the rescue to the animal's responsible
18 party or any other person owning or operating the motor vehicle
19 confining the animal. The notice shall state where the rescued
20 animal may be retrieved. The notice may be made personally or
21 in writing and placed in that part of the motor vehicle where
22 the animal was confined.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 ANIMAL NEGLECT. This bill provides that a person commits
27 animal neglect by confining an animal in a stationary motor
28 vehicle. The confinement must be uninterrupted for a period
29 in which, under the circumstances, including temperature and
30 humidity levels, the animal faces imminent injury or death.
31 There are two exceptions: (1) the motor vehicle is occupied
32 by a person who may obtain any form of driver's license or
33 (2) the motor vehicle is unoccupied by such a person due to
34 an emergency. A person who commits animal neglect under the
35 bill is guilty of a simple misdemeanor which is punishable by

1 confinement for no more than 30 days or a fine of at least
2 \$65 but not more than \$625, or by both. However, a person
3 who intentionally commits the offense of animal neglect
4 that results in serious injury to or the death of an animal
5 is guilty of a serious misdemeanor which is punishable by
6 confinement for no more than one year and a fine of at least
7 \$315 but not more than \$1,875.

8 RESCUE. The bill provides that a law enforcement officer may
9 rescue an animal confined in a motor vehicle. Four conditions
10 must be satisfied. The officer must: (1) make a determination
11 that the animal requires immediate attention, (2) have probable
12 cause to make an arrest for animal neglect, (3) take only such
13 action as is necessary to perform the rescue, and (4) provide
14 notice of the rescue to either a person who owns or maintains
15 the animal or owns or operates the motor vehicle.

16 CURRENT LAW. Code chapter 717B provides for the welfare
17 of animals other than livestock, game not owned by a person,
18 or animals declared a nuisance by the department of natural
19 resources (Code section 717B.1). A person commits animal
20 neglect by failing to provide an animal with adequate food
21 or water, or a confined dog or cat with adequate shelter,
22 or torturing, depriving of sustenance, mutilating, beating,
23 or killing an animal by any means that causes unjustified
24 pain, distress, or suffering (Code section 717B.3). A law
25 enforcement officer (a member of a city police force or county
26 sheriff's office) may enter onto private property in order to
27 rescue a neglected animal after consulting with a licensed
28 veterinarian and complying with applicable federal and state
29 constitutional requirements (Code section 717B.5). A rescued
30 animal is then transferred to the custody of a local authority
31 (a city or county) which notifies the responsible party (the
32 person owning or maintaining the animal). A district court
33 finally determines whether an animal is neglected and the
34 animal's disposition (Code section 717B.4).